

Message Text

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PAGE 01 SANTIA 01750 132208Z
ACTION ARA-14

INFO OCT-01 EUR-12 ISO-00 TRSE-00 CIAE-00 DODE-00
PM-05 H-01 INR-10 L-03 NSAE-00 NSC-05 PA-01
SP-02 SS-15 USIA-06 /075 W
-----093257 140543Z /62

R 132142Z MAR 78
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC 8458
INFO AMEMBASSY BUENOS AIRES
AMEMBASSY LONDON

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E.O. 11652: N/A
TAGS: PBOR, PGOV, AR, CI
SUBJECT: BEAGLE CHANNEL: ARBITRAL COURT REJECTS GOA POSITION

1. THE CHILEAN FOREIGN MINISTRY MARCH 10 RELEASED THE TEXT OF A LETTER DATED MARCH 8 RECEIVED FROM THE ARBITRAL COURT ON THE BEAGLE RULING. REPORTEDLY ARGENTINA ALSO RECEIVED A COPY. THE LETTER, INTER ALIA: STATES THAT THE COURT'S "LEGALLY BINDING" DECISION, MADE KNOWN FORMALLY TO BOTH SIDES ON MAY 2, 1977, IS FINAL AND DEFINITIVE; THAT THE ARGENTINE DECLARATION OF NULLITY IS INADMISSIBLE; AND EXHORTS THE GOA TO FURNISH THE COURT INFORMATION RELATIVE TO ITS COMPLIANCE WITH THE RULING. THE GOC OFFERED NO COMMENT ON THE LETTER.

2. OTHER POINTS MADE BY THE LETTER: THE NINE-MONTH PERIOD FOLLOWING FORMAL NOTIFICATION WAS INTENDED TO GIVE BOTH SIDES TIME TO TAKE MEASURES TO COMPLY WITH THE DECISION (IT NOTES THAT CHILE HAS, WHILE ARGENTINA HAS NOT), NOT TO PONDER ITS ACCEPTANCE OR REJECTION; THE GOA'S RIGHT TO APPEAL THE DECISION, VALID ONLY DURING THIS PERIOD, EXPIRED FEBRUARY 2, 1978; AC-
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CEPTANCE OF AND COMPLIANCE WITH THE RULING HAS BEEN "COMMITTED TO THE HONOR OF BOTH COUNTRIES"; AND THE COURT'S MANDATE DOES NOT END UNTIL THE COURT HAS NOTIFIED THE UK GOVERNMENT THAT IN ITS OPINION BOTH SIDES HAVE COMPLIED WITH THE RULING.

3. COMMENT: THE GOC'S ABSENCE OF COMMENT ON THE LETTER

IS PROBABLY INTENDED TO MINIMIZE FRICTION DURING THE
CURRENT PHASE ONE NEGOTIATIONS (THE GOC DELEGATION DE-
PARTED MARCH 13 FOR BUENOS AIRES TO PARTICIPATE IN
ROUND TWO OF THE FIRST PHASE OF THE TALKS). THE
LETTER NEVERTHELESS MAKES SOME BASIC POINTS THE ARGENTINES
HAVE THUS FAR MANAGED TO OBSCURE; NAMELY, THAT NO AMOUNT OF GOA
BLUSTER ALTERS THE FACT THAT BINDING ARBITRATION IS BINDING, AND THAT
GOA ACTIONS ARE DESTRUCTIVE OF INTERNATIONAL LAW AND COMITY.
THE GOC POSITION HAS RECEIVED STRONG MORAL AND LEGAL SUPPORT.
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Message Attributes

Automatic Decaptioning: Z
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: COURT DECISIONS, GOVERNMENT REACTIONS, BOUNDARY CLAIMS, INLAND WATERWAYS, BEAGLE CHANNEL, CANAL DE BEAGLE
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Copy: SINGLE
Draft Date: 13 mar 1978
Decaption Date: 20 Mar 2014
Decaption Note: 25 YEAR REVIEW
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